

Posted – September 1, 2011

REGULAR MEETING SEPTEMBER 6, 2011

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Tuesday, September 6, 2011 at 7:00 P.M. (EXECUTIVE SESSION AT 6:00 P.M.) the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to

reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a)

(2) Collective Bargaining (Police and Public Works Unions), (2) Potential Litigation (HK& S Bid Protest) and (1) Personnel (Town Administrator).

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

ACTING AS A BOARD OF LICENSE COMMISSION

1. (Advertised for Public Hearing)

Application of Jung, LTD dba Sea Shai, 741 Aquidneck Avenue, holder of a Class BV Alcoholic Beverage License to TRANSFER said License to S.H.I.J., INC. dba New Sea Shai, for use at the same premises.

2. (Advertised for Public Hearing)

Application of Frank Santos dba Sandy's Liquors, holder of a Class A Alcoholic Beverage License to TRANSFER said License to Michael Santos dba Sandy's Liquors, for use at the same premises.

3. Petition of Olin D. Gambrell, President and Vilma Parsonage, Bar Manager of the All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on September 18, 2011, for a Memorial Dedication (1st

Anniversary) for all fallen Sisters and Brothers in all Branches of the Military.

4. Application of Temple Shalom, 223 Valley Road, for a Class F-2 Alcoholic Beverage License for Sunday, October 23, 2011.

5. Application of Center For Health & Well Being, 333 Valley Road, for a Class F-2 Alcoholic Beverage License for Tuesday, September 27, 2011.

CONSENT

6. Approval of Minutes, re: Regular Meeting, August 15, 2011.

7. Resolution from the City of Newport, with enclosure, re: List of Special Events being held in the City of Newport.

8. Resolution of the City of Cranston, re: Urging the Governor to openly bid for Debit Card Services used by the State of Rhode Island.

9. Communication of Barbara S. Schiaroli, Assistant Executive Director, James L. Maher Center, re: Appreciation of Civic support.

10. Memorandum of Margarita H. Chatterton, Senior Sanitary Engineer RIPDES Program/Office of Water Resources, RIDEM, re: Re-issuance

of Rhode Island Pollutant Discharge Elimination System (RIPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) and Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s (MS4 GP).

11. Communication of Laurent L. Rousseau, Esquire, representing Prescott Point, LLC and Prescott Point Investor, LLC, with enclosures, re: Petition to Rezone Lot 7 on TAP 104 from Traffic Sensitive Medium Density Residential (R-20A) to RMA, Traffic Sensitive Residential Multifamily. (Planning Board Recommendation Attached; Requires Advertising for Public Hearing and notice to abutters)

12. Communication of David P. Martland, Esquire, representing Middletown Self-Storage, LLC, with enclosures, re: Petition to rezone certain property at 909 Aquidneck Avenue, Lot 758 on TAP 114 from Limited Business/Traffic Sensitive (LBA) and Residential-20 (R-20) to Limited Business/Traffic Sensitive (LBA). (Planning Board Recommendation Attached; Requires Advertising for Public Hearing and notice to abutters)

13. (Continued from Regular Meeting, August 15, 2011; Abutters Notified)

Public Hearing (Advertised; Abutters Notified)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of

Middletown, Chapter 152, Zoning Code, reclassification of Lots 8, 9 and 10, TAP 111 from Light Industrial Traffic Sensitive (LIA) to General Business A (GBA) and Lot 9A on TAP 111 from Light Industrial (LI) to General Business (GB). (Planning Board recommendation attached; Continued to October 3, 2011 for re-notification to abutters)

14. Petition from Jessica Quinn, Attorney-At-Law, Rob Levine & Associates on behalf of Roy W. Naisbitt, III, re: Personal Injury.

15. Memorandum of Town Administrator, re: Clarification about Federal Grant for Boat Ramp.

16. (Continued from Regular Meeting, July 18, 2011)

Memorandum of Town Administrator, with enclosures, re: RIDEM Draft Agreement for Third Beach Boat Ramp Funding. (At the request, of the Administration item will be continued to October 3, 2011 Regular Meeting of the Council)

17. Application of Jim's Deli & Pizza, 957 West Main Road, for RENEWAL of a Mechanical Amusement Device License for the 2011-2102 licensing year. (One game)

18. Application of Laurin Enterprises dba Gold's Auto Wrecking Company, 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License for the 2011-2012 licensing year.

19. Application of Middletown Columbus Club, Inc., 7 Valley Road, for RENEWAL of a Bingo License for the 2011-2012 licensing year.

20. Application of Rui F. Almeida dba Doughboy's Kitchen, Fall River for RENEWAL of an Industrial Caterers License for the 2011-2012 licensing year.

LICENSES

21. Application of Spirit Halloween, 1315 West Main Road, for a Holiday License for the 2011-2012 licensing year. (NEW)

ORDINANCES

22. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 90A Feeding Non-Domesticated Animals.

23. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 90 Animals, Section 90.99(B) Penalty and Chapter 94 Streets, Sidewalks and Public Places, Section 94.99(B)(5) Penalty.

24. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 90 Animals, Section 90.23 Licensing.

25. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 10 Dog Registration.

COMMUNICATIONS OF BOARDS AND COMMITTEES

26. Memorandum of Jan Eckhart, Chairman, Planning Board, with enclosure, re: Summerfield Lane (Indian Farm) Subdivision, (Benjamin Brayton) – Recommendation for acceptance of street and public improvements for town maintenance.

27. Resolution of the Council, re: Acceptance of Summerfield Lane (Indian Farm) Subdivisions road and associated public improvements for purposed of town maintenance.

OTHER COMMUNICATIONS

28. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools and Michael F. Crowley, Jr., School Committee Chair, with enclosures, re: Necessity of School Construction, Stage 2.

29. Communication of Janice M. Scherdt, M Ed, re: VA home.

30. Communication of Cheryl G. Robinson, President, Turning Around Ministries, Inc., re: Request for support by participating in the September 10, 2011 Walk-A-Thon and a contribution to TAM to help reach the fundraising goal.

31. Communication of Joyce Williams, President, Newport County Branch, NAACP, re: Request support by placing an ad in the NAACP 92nd Anniversary Souvenir Booklet.

COMMUNICATIONS OF TOWN ADMINISTRATOR

32. (Continued from Regular Meeting, August 15, 2011)

(Continued from Regular Meeting, July 18, 2011)

Memorandum of Jan Eckhart, Planning Board Chairman, re: Request of the Town Council for Planning Board review and recommendation on proposed RIDOT improvement options for the West Main Road

intersections with East Main Road and Coddington Highway.

33. Memorandum of Town Administrator, with enclosure, re: Weston & Sampson Peer Review for UHB Traffic Evaluation of West Main Road Intersections at East Main Road and at Coddington Highway.

34. (Continued from Regular Meeting, August 15, 2011)

(Continued from Regular Meeting, July 18, 2011)

Memorandum of Town Administrator, with enclosures, re: Contract Award: Prospect Avenue, Green End Avenue Culvert Replacement.

35. (Continued from Regular Meeting, August 15, 2011)

(Continued from Regular Meeting, July 18, 2011)

Resolution of the Council, re: Award of contract for Prospect Avenue, Green End Avenue Culvert Replacement.

36. Memorandum of Town Administrator, with enclosures, re: Award of contract for Tuckerman Avenue Drainage.

37. Resolution of the Council, re: Award of contract for Tuckerman Avenue Drainage.

38. Memorandum of Town Administrator, with enclosures, re: Award of contract for Storm Drain Retrofit at Gaudet School & Newport Avenue.

39. Resolution of the Council, re: Award of contract for Storm Drain Retrofit at Gaudet School & Newport Avenue.

40. Memorandum of Town Administrator, with enclosures, re: Award of contract for Fire Department Tower Ladder.

41. Resolution of the Council, re: Award of contract for Fire Department Tower Ladder.

42. Memorandum of Town Administrator, with enclosures, re: Award of contract for Fire Department Pumper Truck.

43. Resolution of the Council, re: Award of contract for Fire Department Pumper Truck.

44. Communication of Finance Director, thru Town Administrator, with enclosures, re: Cancellations of Taxes for certain Middletown residents.

45. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

46. Communication of Tax Assessor, thru Town Administrator, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

47. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

48. Memorandum of Town Administrator, re: Town Administrator's Report on Tropical Storm Irene.

49. Memorandum of Town Administrator, re: Town Administrator's Report on Public Works Projects.

APPOINTMENTS OF BOARDS AND COMMITTEES

50. Appointment of one (1) member to the Middletown Substance Abuse Prevention Task Force to complete a term expiring in March 2012, to complete a term expiring March 2014 or to complete a term expiring April 2012.

51. Communication of Susan Woythaler, re: Resignation from the Middletown Committee for the Arts.

Wendy J.W. Marshall, CMC

Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.